

3576. Misbranding of Delcreo emulsion and Delcreo soluble sulfur compound capsules. U. S. v. 39 Bottles, etc. (and 1 other seizure action). (F. D. C. No. 30871. Sample Nos. 28996-L to 28999-L, incl.)

LIBELS FILED: April 5, 1951, District of Oregon.

ALLEGED SHIPMENT: On or about January 19, 1951, by Delson Chemical Co., Inc., from Brooklyn, N. Y.

PRODUCT: 39 4-ounce bottles and 56 2-ounce bottles of *Delcreo emulsion* and 25 50-capsule boxes and 25 25-capsule boxes of *Delcreo soluble sulfur compound capsules* at Portland, Oreg.

LABEL, IN PART: (Bottle) "Delcreo * * * An Emulsion containing Creosote Carbonate (Delson), Calcium Hypophosphites, Sodium Hypophosphites, Potassium Hypophosphites. Improved Formula with Thiamin Hydrochloride, Vitamin B₁ Added" and (box) "Delcreo Soluble Sulphur Compound Capsules Active ingredient, sulphur in the form of sulphides."

NATURE OF CHARGE: *Delcreo emulsion*. Misbranding, Section 502 (a), certain statements on the label of the article, in an accompanying circular entitled "Delcreo * * * Improved Formula," and in a leaflet entitled "Delcreo 'Tone Up' Twins for Your Dog or Cat" were false and misleading. The statements represented and suggested that the article was effective to assist and stimulate the natural forces of the body; that it was a tonic and conditioner; that it was an effective treatment for infectious diseases of dogs, cats, and foxes, including bronchitis, catarrh, colds, diarrhea, distemper, intestinal infections, pneumonia, infections involving the lungs, and tuberculosis; that it was an effective treatment for colds, influenza, and pneumonia of children and adult human beings; that it was a preventive against canine distemper, which could be used to produce an immunity against that disease; and that it would aid appetite, digestion, and assimilation. The article would not fulfill the promises of benefit claimed, and it was not effective for the purposes stated and implied.

Delcreo soluble sulfur compound capsules. Misbranding, Section 502 (a), certain statements on the label of the article and in an accompanying circular entitled "Delcreo Soluble Sulfur Compounds" were false and misleading. The statements represented and suggested that the article was effective as a tonic alterative, germicide, disinfectant, and insecticide; that it was an effective treatment for skin diseases, rheumatism, gout, arthritis, and eczema; and that it would heal sores, abrasions, long-standing ulcers, bedsores "and the like." The article would not fulfill the promises of benefit claimed, and it was not effective for the purposes stated and implied. In addition, the statements on the label and in the circular exaggerated the value of sulfur and sulfur compounds since sulfur and sulfur compounds have a very limited usefulness in medicine and veterinary medicine.

DISPOSITION: August 15, 1951. Default decrees of condemnation and destruction.

3577. Misbranding of rubber prophylactics. U. S. v. 2 Vending Machines * * * (F. D. C. Nos. 31228, 31229. Sample Nos. 31682-L, 31683-L.)

LIBEL FILED: July 6, 1951, Southern District of Illinois.

ALLEGED SHIPMENT: On or about March 1, 12, 14, and 15, 1951, a number of *rubber prophylactics* were shipped from East Newark, N. J., to Chicago, Ill.